



FAIR HOUSING OBLIGATIONS OF HOUSING AUTHORITIES


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Lawyers' Committee For Civil

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PHA's Must Know The Fair Housing Laws and Educate Their Staff

- ◆ They must take appropriate actions to implement requirements of law and regulations.
- ◆ All staff must be made aware of fair housing requirements – especially line staff dealing with residents.
- ◆ Discrimination is not always intentional – neutral policies may have a discriminatory impact.
- ◆ PHA's must take residents/applicants complaints of discrimination seriously - conduct thorough investigations

Public Housing Agency Plan

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- ◆ Required by Quality Housing & Work Responsibility Act of 1998.
 - ◆ Under the Plan PHA's must certify:
 - They are in compliance with Title VI, the FHA Sec. 504 and the ADA
 - They will affirmatively further fair housing
 - ◆ Under Implementing Regulations PHA's must:
 1. Identify Impediments to fair housing choice
 2. Develop plan to address impediments
 3. Work with local jurisdictions to further fair housing
 4. Engage in affirmative marketing



Rule to Deconcentrate Poverty & Promote Integration

*Purpose: To equalize higher and lower income
tenants in each development*

- ◆ PHA's are required to determine average income of tenants & to attract tenants to equalize income range in projects
- ◆ Exemptions
 1. Fewer than 100 units
 2. PHA's who only operate elderly/disabled housing
 3. Developments approved for demolition
 4. Developments with HOPE VI



Deconcentrating Poverty Must Not Violate Fair Housing Laws

- ◆ Must Affirmatively Further Fair Housing
- ◆ PHA's may skip a family on the waiting list
- ◆ But important to make sure skipping does not result in racially segregating projects or making people of color wait longer for housing.
- ◆ A PHA cannot require racial quotas
- ◆ PHA's should emphasize regional approaches to deconcentrate poverty
- ◆ Take action to remedy past discrimination

Waiting Lists: Tenant Selection and Assignment Procedures

- ◆ Before the Quality Housing & Work Responsibility Act of 1998 PHA's were required to maintain sequential, city-wide waiting lists.
- ◆ Avoid discrimination in the selection & placement of tenants





Discrimination Against Section 8 Recipients

- ◆ PHA's should keep records on success & failure rates by race and disability – also by location
- ◆ PHA's should actively assist voucher holders to pursue discrimination complaints
- ◆ Work with local fair housing organizations, legal services groups, attorney general's office, to challenge discriminatory practices in private housing market

Duty To Affirmatively Further Fair Housing

- ◆ All PHA policies that govern eligibility, selection, admissions should be designed to reduce racial & national origin concentrations

PHA's must take affirmative steps to overcome effects of past discrimination

- ◆ Affirmative Marketing
- ◆ Application counseling & information
- ◆ Supportive Services & Amenities

42 U.S.C. 5304(b)(2) Applies to all CDBG recipients





Examine All Programs & Policies For Discrimination

- ◆ Racial composition of elderly vs. family developments
- ◆ Racial composition of project based & Section 8 housing
- ◆ Equality of services & amenities
- ◆ Evictions: Are there racial discrepancies?
- ◆ Residency Preferences
- ◆ Owners of Low-Income Housing Tax Credit & HOME developments cannot refuse Section 8 Voucher holders
- ◆ Policies for Reasonable Accommodation
- ◆ Relocation/Displacement



What will HUD look at to determine if in Compliance

Past performance in meeting civil rights requirements	History of the PHA	Information about the housing market area	Overall implementation of all civil rights activities
Management & administration of program	Equal employment opportunity and training	Outreach and Affirmative Marketing	Occupancy reviews & tenant data